

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HIGHWAY MATERIALS, INC.,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	NO. 02-3212
	:	
WHITEMARSH TOWNSHIP, et al.,	:	
	:	
Defendants.	:	
	:	

ORDER

AND NOW, this 11th day of December, 2002, upon consideration of the Motion to Dismiss filed by Defendant Thomas Zarko (Dkt. No. 14) and any responses thereto, it is hereby **ORDERED** that said motion is **DENIED IN PART and GRANTED IN PART**. All claims brought by Plaintiff Highway Materials, Inc. against Thomas Zarko as an individual are hereby **DISMISSED** as agreed to by Plaintiff. See Plaintiff's Mem. of Law in Opp. to Def. Thomas Zarko's Mot. to Dismiss, 11 FN 1.

BY THE COURT:

ROBERT F. KELLY, Sr. J.